

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2067 of 2020**

Arising Out of PS. Case No.-487 Year-2020 Thana- FORBESGANJ District- Araria

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Gaja Noor @ Raja Noor, S/o Akbar Mia @ Akbar, R/o village- Ramai, Ward
No. 6, P.S.- Forbesganj, District- Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Prasad Singh, Advocate.
For the Respondent/s : Mr. Binay Krishna, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-02-2021 As prayed for, let the learned counsel appearing for

the appellant remove the defect(s), as pointed out by the office,

within four weeks of starting of the Court proceeding in

physical mode.

Heard learned counsel for the appellant and the
learned Additional Public Prosecutor appearing for the State.

This appeal, under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, is directed against the order dated 04.09.2020 passed in
Special SC/ST Case No. 139 of 2020, whereby and whereunder
the learned Ist Additional Sessions Judge, Araria, rejected the
prayer for grant of bail of the appellant in connection with
Forbesganj P.S. Case No. 487 of 2020, registered under Sections



243, 323, 363, 365, 466(A), 370 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that in the evening of 19.06.2020, Gaja Noor (appellant), Samsul and Rahman came at the door of the informant, Rakesh Kumar Paswan, boarding on motorcycles and carried his sister, aged about 14 years. Earlier, on 11.06.2020, they had kidnapped his sister but on pressure of the society, his sister was handed over to his family members. Thereafter, informant searched his sister but no trace was found. When the family members of the informant approached to the family members of the appellant then family members of the appellant started to abuse the family members of the informant.

Learned counsel for the appellant submits that, in fact, due to love affairs, sister of the informant left her house and moved with the petitioner at Delhi and performed the marriage according to her own sweet will, which would appear from her statement recorded, under Section 164 of the Cr.P.C, on 07.07.2020. Further submission is that in the medical examination, the age of the victim, sister of the informant, was assessed in between 18 to 20 years. Further submission is that appellant has no criminal antecedent and is in custody since



07.07.2020.

Having considered the facts and circumstances of the case, the impugned order is set aside and this appeal is allowed.

Let the appellant, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ist Additional Sessions Judge, Araria, in connection with Special SC/ST Case No. 139 of 2020 arising out of Fobesganj P.S. Case No. 487 of 2020. Out of two sureties, one surety must be the close relative of the appellant.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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